HANDBOOK OF ADMIRALTY LAW. By Robert M. Hughes. St. Paul: West Publishing Co. Hornbook Series. 1901. pp. xvii, 503. 8vo.

The author purports in this work to meet the need for an elementary treatise on marine law, to be of service to students as well as to the general practitioner who does not aim to specialize in this subject. After a brief outline of the origin and history of maritime law, and of its development and status in this country, the tests of jurisdiction are briefly given in the two main subdivisions, cases of contract and cases of tort, followed by a treatment of the various maritime contracts: supplies, repairs, and other necessaries · bottomry and respondentia; general average; marine insurance; affreightment and charter-parties; mariners' contracts; stevedores' contracts; pilotage, towage, etc. Salvage, although admittedly not generally based upon a contractual claim, is considered under contracts, as is the effect of the Harter Act (1893). After a discussion of admiralty jurisdiction over torts the author treats of the rights of action in admiralty for injuries causing death. In connection with collisions, steering and sailing and other rules are considered, with a chapter on damages in collision cases. The rights and liabilities of shipowners, both prior to and after the Act of Congress limiting their liability, is dealt with, and after a statement of the relative priorities of maritime claims the body of the work closes with a brief outline of admiralty pleading and practice in this country. The appendix gives the Congressional statutes regulating navigation, evidence in the Federal courts, and suits *in forma pauperis*, together with the Admiralty Rules of Practice promulgated by the Supreme Court.

An exhaustive treatise upon maritime law would be of decided value But the author has not attempted, nor does the work afford, anything more than a statement of general principles usually in the form of summaries of, or extracts from, important decisions. In but two or three instances are disputed questions thoroughly discussed, while these few discussions by no means exhaust the unsettled parts of this branch of the law. Although in the main the conclusions reached are sound, in several instances inaccuracies are to be found. Thus it is stated (p. 369), "This new appellate court (the circuit court of appeals) is the court of last resort in admiralty cases, except that it may certify to the Supreme Court for decision any questions as to which it may desire instruction, and except, also, that the Supreme Court may, by certiorari, bring up for review any case which it may deem of sufficient importance." In addition the Act seems to provide for appeals in admiralty, from the District Court to the Supreme Court, in five classes of cases. 26 U. S. Stat. 827, ch. 517, sects. 5–6. Again the statement (p. 10) that admiralty jurisdiction extends to "waters . . . entirely within the limits of a state and above tide water . . ." seems opposed to the cases cited by the author without criticism on the following page. *U. S.* v. *Burlington, etc., Co.*, 21 Fed. Rep. 331 (*semble*); *Strapp* v. *Steamboat Clyde*, 43 Minn. 192. The citation of apparently inconsistent cases, relying upon both as authority, illustrates the danger of an attempt to state elementary principles merely by summarizing cases. See pp. 181, 182; *The H. S. Pickands*, 42 Fed. Rep. 239; *The Strabo*, 90 Fed. Rep. 110. Yet in spite of these defects, and of the absence of a thorough collection of authorities, the work will doubtless be useful as an elementary text-book, and may prove helpful to lawyers through its collection of the different Federal Statutes and of the Admiralty Rules of Practice.

A TREATISE ON INJUNCTIONS AND OTHER EXTRAORDINARY REMEDIES. By Thomas Carl Spelling. Second edition. Boston: Little, Brown & Co. 1901. 2 vols. pp. clxxii, 821; xxvii, 1073. 8vo.

This book aims to treat at length extraordinary remedies at equity and at law, covering injunctions, *habeas corpus*, *mandamus*, prohibition, *quo warranto*, and *certiorari*. The demand for a second edition is the best evidence of its value to lawyers. It does not profess to treat the underlying principles of these subjects nor to discuss the propriety or soundness of the various applications of these doctrines. Instead it purports to give an enumeration of the different circumstances under which these remedies have been sought and these principles

applied, while broad statements of very general rules of law serve to make its form that of a text-book rather than that of a digest. Naturally, when such a method has been adopted, the success of the work depends very largely upon the accuracy of the statements of the decisions and upon the arrangement of the subject-matter. In no other way than by actual use can this accuracy be fairly tested. If the lawyer is able to turn quickly to the line of cases which he has in mind and finds them reported with exactness, it will be a very useful manual to him, and the fact that the book has found a place for itself shows that the author has done his work well. Such a book, however, can be of very little assistance to students and this second edition makes it no more so. Indeed the second preface addresses itself to the lawyer whose client is not willing to wait until he gets an education on the various subjects which are treated. Such a lawyer will certainly not disappoint his client if he uses Mr. Spelling's book.

Very few changes have been made in this second edition. Some late cases seem to have been added, but not enough to add appreciably to the value of the book. The author, in the preface, speaks of recent important extensions of the jurisdiction to grant the writ of injunction, but a comparison of the two editions give little evidence of any such extensions since the first edition. Still fewer important changes can be found in the extraordinary remedies at law. The total lack of discriminating comment upon such recent extensions as are noted makes whatever added value there may be seem very slight, and there is little danger that it will wholly supplant the first edition.

A very sensible feature of this new edition, however, is that the section numbering of the first edition has been preserved. This makes it unnecessary to state the edition from which a citation is made.

A BRIEF ON THE MODES OF PROVING THE FACTS MOST FREQUENTLY IN ISSUE OR COLLATERALLY IN QUESTION ON THE TRIAL OF CIVIL OR CRIMINAL CASES. By Austin Abbott. Second and enlarged edition by the publishers' editorial staff. Rochester: The Lawyers' Coöperative Publishing Co. 1901. pp. xxii, 653. 8vo.

The author's task, outlined in the title, is really one of giving suggestions. Out of such points as his experience has shown to be of widest application he has constructed what must prove a ready manual for trial lawyers. The particular subjects of proof, arranged alphabetically, serve as chapter-headings, and the paragraphs of the text, stated first generally, are developed by summaries of cases in digest form averaging half a page in length.

The value of such a book may be fairly measured by the adequacy with which it treats important practical topics like presumptions, burden of proof, and judicial notice, both because its scope includes these more properly than does that of a treatise on evidence, and because the confusion which blurs them in practice should be removed by accurate text-book definition. In the first edition, however, nothing more was attempted than to state carefully each separate proposition which involved these subjects. The present editors often omit even this process of clarifying, and many pages, out of the larger share devoted in the new edition to these matters, are marred by the miscellaneous inaccuracies of reporters' head-notes. Little help, for example, can be found in the statement on page 19 that "It will be presumed that one who abandons land which he has been holding adversely held in subordination to the title of the true owner, but the burden of proving abandonment or interruption of adverse possession is upon the adverse party."

As an authority the book must now stand as if anonymous, for the editors have doubled the original size and generally failed to indicate which passages are theirs and which the author's. They call attention, however, on page 162, to a departure that they take from the latter's views, where they distinguish, for purposes of construction of writings, between patent and latent ambiguities. In this they are singularly retrogressive. See THAYER, PRELIM. TREAT. EV., 422–425; *Meyers* v. *Maverick*, 28 S. W. Rep. 716 (Tex.). Except in the respects suggested, however, the original work seems to have been successfully expanded.